



DECISIONS, NOTICES AND ORDERS

Monday, April 15, 2019

The Supreme Court of Appeals of West Virginia has taken action in the following cases. This list contains only the action taken by the Court, not the content or actual date of orders or decisions.

REHEARINGS

The Court took the following action on a petition for rehearing:

State of West Virginia v. Michael Sites, No. 16-0437 (Grant 15-F-19)
Petition refused (5-0)

MEMORANDUM DECISIONS

In accordance with Rule 21, memorandum decisions were entered in the following cases:

Michael S. Owl Feather-Gorbey v. State of West Virginia, et al., No. 17-0931
(Preston 17-C-79)
Affirmed (5-0)

David Weller, II v. Thomas Carr and Kristine Carr, No. 17-1043 (Berkeley CC-02-2017-C-232)
Affirmed (5-0)

State of West Virginia v. Mark Halburn, No. 18-0544 (Putnam 17-MAP-16)
Affirmed (5-0)

Marvin Mills v. Donnie Ames, Superintendent, No. 18-0177 (Raleigh 06-C-784)
Affirmed (4-0) (Justice Hutchison disqualified)

Gregory S. Farmerie v. Monongalia County Commission, No. 18-0348 (Monongalia 16-C-9)
Affirmed (5-0)

Desmond Clark v. Donnie Ames, Superintendent, No. 18-0133 (Kanawha 16-P-219)
Affirmed (5-0)

Mervin Roderick v. Marlyn Keesecker, et al., No. 18-0334 (Jefferson 06-C-368)
Affirmed (5-0)

ORDER LIST

April 15, 2019

Page 2

RULE 19 ARGUMENT GRANTED

The following cases will be scheduled for Rule 19 oral argument on a later date:

State ex rel. Joseph Howell, Jr. v. Hon. David H. Wilmoth, Judge, et al., No. 19-0065
(Original Prohibition)

State of West Virginia v. Benny W., No. 18-0349 (Ritchie 17-F-8)

Teubert Family Farms, LLC v. Kenneth Bragg and Aimee Bragg, No. 18-0411
(Greenbrier 15-C-195)

Misty Kruse v. Touraj Farid, M.D., No. 18-0464 (Raleigh 15-C-1036)

Lawyer Disciplinary Board v. Travis C. Sayre, No. 18-0617 (Lawyer Disciplinary)

RULE 20 ARGUMENT GRANTED

The following cases will be scheduled for Rule 20 oral argument on a later date:

Division of Justice, et al. v. Fairmont State University, No. 18-0429
(Marion CC-24-2017-AA-1)

State of West Virginia v. Ryan Ashley Hubbs, No. 18-0438 (Marion 17-F-158)

Cabell County Commission v. Joseph Whitt, No. 18-0408 (Cabell 16-C-741)

M.B. and L.B. v. C.R. and N.R., No. 18-0167 (Boone 14-A-4)

State of West Virginia v. Anna Marie D'Annunzio, No. 18-0480 (Harrison 14-F-822)

ORDERS

Orders of note were entered in the following cases:

State of West Virginia ex rel. James D. Porterfield and Losca Whittington v. Hon. Laura V. Faircloth, Judge, et al., No. 19-0175 (Original Prohibition)
Petition refused (5-0)

Monongahela Power Company v. Michael Buzminsky and Vickie Buzminsky, No. 19-0228
(Kanawha 18-C-500)
Motion to stay granted (4-1)(Justice Hutchison)

Carl Mascioli, et al. v. LouAnn Mascioli, No. 18-0791 (Monongalia 15-C-722)
Motion to stay granted upon the condition that petitioners post bond. (5-0)

ORDER LIST

April 15, 2019

Page 3

Lawyer Disciplinary Board v. Alison R. Gerlach, No. 17-0869 (Lawyer Disciplinary)
License to practice law suspended for ninety-day period (5-0)

Lawyer Disciplinary Board v. Gerald G. Jacovetty, Jr., No. 18-0365 (Lawyer Disciplinary)
License to practice law suspended for a two-year period (5-0)

Lawyer Disciplinary Board v. David E. Furrer, No. 18-0306 (Lawyer Disciplinary)
License to practice law suspended indefinitely (5-0)